

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Landry, et al.

Serial No.: 10/698,010

Filed: October 30, 2003

For: SPINAL STABILIZATION SYSTEMS  
AND METHODS USING MINIMALLY  
INVASIVE SURGICAL PROCEDURES

Attorney Docket No.: 5259-10700.US.02

Examiner: James L. Swiger III

Group Art Unit: 3733

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OFFICE OF PETITIONS

Karen B. Smith 10/29/07  
Karen R. Smith October 29, 2007

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.97 (b)(4), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement ("IDS") is being filed after the payment of the issue fee, but concurrently with a Petition to Withdraw Patent from Issue under 37 CFR § 1.313 (c)(2) and the filing of a Request for Continued Examination ("RCE") under 37 C.F.R. § 1.114.

The references submitted are listed on the attached Form PTO-1449. Review is respectfully requested, and the Examiner is asked to place his/her initials next to each reference listed on the form to indicate that the reference was considered. Pursuant to 37 CFR 1.98 (a)(2), copies of U.S. patents and U.S. patent application publications are not provided.

Further, copies of unpublished patent applications 11/844,891, 11/690,698, 11/779,406, and 11/764,642, French patent document FR2729291, and a copy of office actions mailed in 10/698,046 on September 18, 2006, June 11, 2007, and October 3, 2007, will be mailed to the Examiner in a follow-up IDS, because inclusion of this material in this facsimile transmission would make the transmission of this IDS impracticable. See M.P.E.P. § 609 (b)IV.

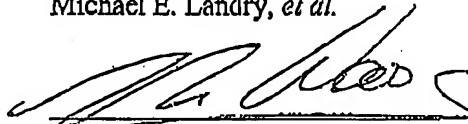
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge the required surcharge of \$790.00 for the RCE processing fee under 37 C.F.R. § 1.17(e) and \$130.00 for the Petition processing fee under 37 C.F.R. § 1.17(h) to Deposit Account No. 01-0025. The Commissioner is authorized to charge our Deposit Account any additional fees (or credit any over payments) that may be required under 37 C.F.R. §§ 1.16 and 1.17 in association with this communication for which full payment has not been tendered. A duplicate of this sheet is enclosed.

23492

Abbott Spine Inc.  
Telephone: (512) 533-1945  
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Respectfully submitted,  
Michael E. Landry, *et al.*



Michael L. Woods  
Registration No. 50,811  
Attorney for Applicants

## PATENT

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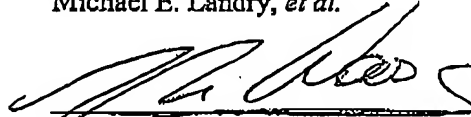
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Attorney for Applicants

DATE: October 29, 2007 SHEET 1 of 2

## Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
(Modified) PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

5259-10700US02

10/698,010

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

APPLICANT(S)

Michael E. Landry et al.

(Use several sheets if necessary)

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GROUP

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(37 CFR 1.98 (b))

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	PUBLICATION OR ISSUE DATE	INVENTOR	CLASS	SUB CLASS	FILING DATE
	A1	5,906,632	05/1999	Bolton			
	A2	6,565,573	05/2003	Ferrante et al.			
	A3	6,110,175	08/2000	Scholl			
	A4	5,520,690	05/1996	Errico et al.			
	A5	6,592,587	07/2003	Roger			
	A6	5,713,900	02/1998	Benzel et al.			
	A7	6,939,355	09/2005	Gellman et al.			
	A8	US2003/0187447	10/2003	Ferrante et al.			
	A9	US2004/0147928	07/2004	Landry et al.			
	A10	US2006/0084993	04/2006	Landry et al.			

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLIC-ATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION YES NO
	B1	FR2729291	07/1996	France			x

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	C1	September 18, 2006, Office Action in 10/698,046
	C2	June 11, 2007, Office Action in 10/698,046
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	A12	US2007/0219554	09/2007	Landry <i>et al.</i>			
	A13	US2006/0095035	05/2006	Jones <i>et al.</i>			
	A14	11/844,891	08/2007	Landry <i>et al.</i>			
	A15	11/690,698	03/2007	Jones <i>et al.</i>			
	A16	11/779,406	07/2007	Landry <i>et al.</i>			
	A17	11/764,642	06/2007	Landry <i>et al.</i>			
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